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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/704,221	11/01/2000	James N. Rees	09765-020001	2654

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FISH & RICHARDSON PC
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BOSTON, MA 02110

EXAMINER

NGUYEN, PHUOC H

ART UNIT PAPER NUMBER

2143

DATE MAILED: 09/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/704,221

Applicant(s)

REES, JAMES N.

Examiner

Phuoc H. Nguyen

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This office action is in response to the amendment filed on May 27, 2004. Previous office action contained claims 1-21. Applicant amended claims 1,10, and 14. Amendment filed on May 27, 2004 have been entered and made of record. Therefore, pending claims 1-21 are presented for further consideration and examination.

Response to Arguments

2. Applicants' arguments with respect to currently amended claims 1,10, and 14 have been considered but are moot in view of the ground(s) rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-21 rejected under 35 U.S.C. 103(a) as being unpatentable over House et al (Hereafter, House), U.S. Pat. No. 6,188,400 in view of Tso et al (Hereafter, Tso), U.S. Pat. No. 6,421,733.

5. Regarding claims 1,10, and 14, House teaches a method transmitting information by transmitting an executable (eg. java applet) from a server to a remote location (eg. client 102 of

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Figure 1) over a network (eg. communication between client 102 and network server 110), the executable processing data generated by the server (col. 6, lines 23-30); generating the data, as the executable is being transmitted, and transmitting the generated data to the executable at the remote location over the network (eg. server generate output data based on the first applet send from client 101 and send the output data to the client 101) (Figure 5b, and col. 7, last paragraph through col. 8, 1st paragraph), the executable processing the data by displaying the data in a graphical presentation on a display device associated with the remote location (Abstract; col. 8, lines 6-10); however, House fails to teach the decoding and uncompressing the data for displaying.

Tso teaches a transcoding functions on the client side to decode and uncompress data for displaying (Figure 5; and col. 12, lines 17-40).

It would have been obvious to one of the ordinary skill in the art at the time of the invention was made to incorporate Tso's teaching into House's method to decode and uncompress data to the original format so the client can view the output data.

6. Regarding claims 2, and 15, House further teaches a client at the remote location receives the transmitted executable and the generated data and the client includes a client processor that executes the executable to process the data (Figure 5B).

7. Regarding claims 3, and 16, House further teaches the transmitted executable is received by the client before the generated data is received and the executable causes the client computer to indicate that client computer is waiting for the data (col. 6, lines 23-30).

8. Regarding claims 4, and 17, House further teaches a first portion of the generated data is received by the client before a second portion of the generated data and the executable causes the

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client to indicate that the first portion has been received before the second portion is received (col. 7, lines 45-54; and Table 1 of col. 8).

9. Regarding claims 5, 11, and 18, House further teaches a first portion of the generated data is received by the client before a second portion of the generated data and the executable causes the client processor to process the first portion before the second portion is received (col. 7, lines 45-54).

10. Regarding claims 6, and 19, House further teaches a first portion of the data is generated before a second portion of the data and at least part of the first portion of the data is transmitted while the second portion is being generated (col. 7, lines 45-54; and Table 1 of col. 8).

11. Regarding claims 7, 12, and 20, House further teaches the information is transmitted in response to a request for information (Abstract).

12. Regarding claims 8, 13, and 21, House further teaches the generated data is transmitted in response to a request for data separate from the request for information (Figure 5b).

13. Regarding claim 9, House further teaches transmitting to the remote location a web page containing a directive to a web browser to request the executable and receiving a request for the executable from the web browser, wherein the executable is transmitted to the remote location in response to the request for the executable (col. 6, lines 23-30).

Conclusion

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuoc H. Nguyen whose telephone number is 703-305-5315. The examiner can normally be reached on Mon -Thu (7AM-4:30PM) and off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on 703-308-5221. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Phuoc H. Nguyen
Examiner
Art Unit 2143

August 23, 2004



DAVID MILEY
SUPERVISORY PATENT EXAMINER
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